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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/264,065	03/08/1999	JOEL D. PESHKIN	20944.2200	2575

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EXAMINER

BURD, KEVIN MICHAEL

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 01/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/264,065

Applicant(s)

PESHKIN ET AL

Examiner

Kevin Burd

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 7, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-53 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. This office action, in response to the remarks filed 11/07/2002, is a final office action.

Response to Arguments

2. The Innovation Disclosure filed on 11/7/2002 under 37 CFR 1.131 has been considered but is ineffective to overcome the Shima (US 6,333,789) reference.

3. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Shima (US 6,333,789) reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). The innovation disclosure lacks information stated in the claimed invention.

Regarding claim 1, the innovation disclosure makes no mention of the modem comprising more than one physical channels. The disclosure also makes no mention of defining the first logical channel according to a command type in the command

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information nor defining the second logical channel according to a data type in the data information.

Regarding claim 4, the innovation disclosure makes no mention of defining the first logical channel according to a command type in the command information nor defining the second logical channel according to a data type in the data information.

Regarding claim 20, the innovation disclosure makes no mention of defining the first logical channel according to a command type in the command information nor defining the second logical channel according to a data type in the data information. In addition, the disclosure does not disclose a host interface or a data pump.

Regarding claim 31, the innovation disclosure makes no mention of the modem comprising more than one physical channels or physical channel interfaces. The disclosure also makes no mention of defining the first logical channel according to a command type in the command information nor defining the second logical channel according to a data type in the data information. In addition, the disclosure does not disclose a host interface, a controller in communication with the host interface or a data pump.

Regarding claim 42, the innovation disclosure makes no mention of the modem comprising more than one physical channels or physical channel interfaces. The disclosure also makes no mention of defining the first logical channel according to a command type in the command information nor defining the second logical channel

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according to a data type in the data information. In addition, the disclosure does not disclose a host interface, a controller in communication with the host interface or a data pump.

Claims 5-19, 21-30, 32-41 and 43-53 are dependent on the claims stated above. These claims state additional limitations that are not stated in the innovation disclosure filed 11/7/2002.

For these reasons, the evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Shima (US 6,333,789) reference. The previous rejections are maintained and stated below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under treaty defined in section 351 (a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 and 4-52 are rejected under 35 U.S.C. 102(e) as being anticipated by Shima (US 6,333,789).

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Regarding claims 1 and 4, Shima discloses a system for transmitting data over a telecommunications wire 100 as shown in figure 1. A plurality of logic channels are generated. The first logical channel is for sending print data and a second logical channel is for sending a control command (column 9, line 63 to column 10, line 6). This information is transmitted and is received in element 11 of figure 1.

Regarding claims 5-9, 14 and 15, the printer will request additional information if the data block is not fully received or received correctly.

Regarding claims 10-13, Shima discloses allocating receive buffers for both the print data and the command information (figure 1 and column 9, lines 21-34).

Regarding claim 16, figure 1 shows a host computer coupled to the communication channels.

Regarding claims 17-19, Shima discloses interface 16 receives the serial information and routs the data to the appropriate receive buffers (figure 1 and column 9, lines 21-34).

Regarding claims 20, 31, 43 and 53, Shima discloses a system for transmitting data between a host computer 1 and a printer 11 over a telecommunications wire 100 as shown in figure 1. A plurality of logic channels are generated. The first logical channel is for sending print data and a second logical channel is for sending a control command (column 9, line 63 to column 10, line 6). This information is transmitted and is received in element 11 of figure 1. An interface 16 receives the information and send

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the print data and control command the appropriate receive buffer (column 9, lines 21-34). The interface is capable of determining what type of information is being received so that information can be sent to the appropriate buffer.

Regarding claims 21-27, 29, 30, 32-38, 40, 41, 43-49, 51 and 52, the data will be received and stored in the interface and the receive buffers until the print job is to take place.

Regarding claims 28, 39 and 50, in a personal computer, numerous bi-directional data lines, address lines, control lines and status lines are present which allows for fast data transfer when needed or requested. These lines are shown in figure 1.

Contact Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry or for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Burd, whose telephone number is (703) 308-7034. The Examiner can normally be reached on Monday-Thursday from 9:00 AM - 5:00 PM. The examiner can also be reached on alternate Friday.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Kevin M. Burd
PATENT EXAMINER
December 31, 2002



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1/8/03